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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KIVALINA RELOCATION PLANNING  
COMMITTEE,

Plaintiff,

v.

TECK COMINCO ALASKA  
INCORPORATED,

Defendant.

Case No. A02-231 CV (JWS)

DEFENDANT'S ANSWERS TO SIXTH SET OF REQUESTS FOR ADMISSIONS

The Defendant, by and through counsel, submit their answers to Plaintiff's Sixth Set of Request for Admissions as follows:

REQUEST FOR ADMISSION NO. 121

Admit that the document attached hereto as Exhibit 121 is a true and correct copy of a Letter from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit #AK -003865-2 (Mine Site) - Outfall 001 [May 25, 29 exceedences], June 16, 2000. TC 001630 RD.

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Exh 5  
1 of 13

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 122

Admit that the document attached hereto as Exhibit 122 is a true and correct copy of a Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit #AK -003865-2 (Mine Site)-Outfall 001 [July 13 exceedence], July 3, 2000. TC 001631 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 123

Admit that the document attached hereto as Exhibit 123 is a true and correct copy of a Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit #AK -003865-2 -Outfall 001 [June 13 exceedence], July 10, 2000. TC 001632 RD.

RESPONSE: Admitted, however, the letter reporting the apparent violation was corrected by the revised DMR dated March 1, 2003 bates numbers TC 011207-11211 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 124

Admit that the document attached hereto as Exhibit 124 is a true and correct copy of a Letter 1 from Mark Thompson, Cominco Alaska, to Randall F. Smith, US EPA, re:

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)

Page 2 of 13

Exh 5  
2 of 13

Compliance Order Docket No. CWA-10-99-0167 – TDS (re June violations), July 17, 2000.  
TC 001634 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 125

Admit that the document attached hereto as Exhibit 125 is a true and correct copy of a Letter 2 from Mark Thompson, Cominco Alaska, to Randall F. Smith, US EPA, re: Compliance Order Docket No. CWA-10-99-0167 – TDS (re July violations), July 17, 2000.  
TC 001635 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 126

Admit that the document attached hereto as Exhibit 126 is a true and correct copy of a Letter 3 from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit #AK -003865-2 -Outfall 001 [June 13 exceedence], July 17, 2000. TC 001636 RD.

RESPONSE: Admitted, however, the letter reporting the apparent violation was corrected by the revised DMR dated March 1, 2003 bates numbers TC 011207-11211 RD, previously provided in defendant's first supplemental disclosures.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 3 of 13

Exh S  
3 of 13

REQUEST FOR ADMISSION NO. 127

Admit that the document attached hereto as Exhibit 127 is a true and correct copy of a Letter 4 from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit #AK -3865-2 - (Mine Site) Outfall 001 [June 10, 24 exceedence], July 17, 2000. TC 001633 RD.

RESPONSE: Admitted, however, the letter reporting the apparent violation was corrected by the revised DMR dated March 1, 2003 bates numbers TC 011207-11211 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 128

Admit that the document attached hereto as Exhibit 128 is a true and correct copy of a Letter 5 from Mark Thompson, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES Permit #AK -003865-2 (Mine Site) [unperformed analysis], July 17, 2000. TC 001637 RD.

RESPONSE: Admitted, however, subsequent information was obtained and reported in a fax from Wayne Hall to Rob Grandinetti dated July 31, 2000 and a cover letter from Mark Thompson to Randall Smith with attached revised DMR dated December 1, 2002 , bates numbers TC 000641-000644 RD, previously provided in defendant's initial disclosures.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 4 of 13

Exh 5  
4 of 13

REQUEST FOR ADMISSION NO. 129

Admit that the document attached hereto as Exhibit 129 is a true and correct copy of a Letter from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re Compliance Order Docket No. CWA-10-99-0167-TDS [with table detailing the number of hours that the estimated TDS concentration exceeded...during June and July], July 19, 2000. TC 001638-001639 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 130

Admit that the document attached hereto as Exhibit 130 is a true and correct copy of a Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit: AK -003865-2 (Mine) -WET Test Results [exceedences of August 8, 10, 12], August 22, 2000. TC 001640 RD.

RESPONSE: Admitted, however, the letter reporting the apparent violation was supplemented by the revised DMR dated March 1, 2003 bates numbers TC 011212-11215, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 131

Admit that the document attached hereto as Exhibit 131 is a true and correct copy of a Letter from Wayne Hall, Cominco Alaska, to Robert Grandinetti, EPA, re Connie

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 5 of 13

Ex 5  
5 of 13

Creek Drop Box Collection System [dam overflow June 6], June 12, 2001. 003806.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 132

Admit that the document attached hereto as Exhibit 132 is a true and correct copy of a Letter from Mark Thompson, Cominco Alaska, to Randall F. Smith, US EPA, re: Mine Site Permit AK-003865, July 15, 2001. TC 001668 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 133

Admit that the document attached hereto as Exhibit 133 is a true and correct copy of a Letter from Mark Thompson, Cominco Alaska, to Randall F. Smith, US EPA, re: Mine Site Compliance Order Docket No. CWA-10-99-0167, July 26, 2001. 003807-003808.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 134

Admit that the document attached hereto as Exhibit 134 is a true and correct copy of a Letter from James Kulas, Cominco Alaska, to Randall F. Smith, US EPA, re NPDES Permits AK-003865-2 and AK-004064-9, August 6, 2001. 003810-003811.

RESPONSE: Admitted.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 6 of 13

Exh 5  
6 of 13

REQUEST FOR ADMISSION NO. 135

Admit that the document attached hereto as Exhibit 135 is a true and correct copy of a Letter from Wayne Hall, Teck Cominco, to Randall F. Smith, US EPA, re: NPDES Permit AK-003865-2 (Mine) - Wet Test Results, August 27, 2001. TC 001671 RD.

RESPONSE: Admitted, however, the letter reporting the apparent violation was supplemented by the revised DMR dated March 1, 2003 bates numbers TC 011219-11222 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 136

Admit that the document attached hereto as Exhibit 136 is a true and correct copy of a Letter from Wayne Hall, Teck Cominco, to Randall F. Smith, US EPA, re: Mine Site Compliance Order Docket No. CWA-10-99-0167, August 29, 2001. 003804-003805.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 137

Admit that the document attached hereto as Exhibit 137 is a true and correct copy of a E-mail from Mark Thompson, Teck Cominco, to Robert Grandinetti, US EPA, re: August WET tests, September 11, 2001, with one page fax cover sheet dated September 13, 2001, and 3 page Toxicity Reduction Evaluation Work Plan. 003812-003816.

RESPONSE: Admitted, however, the email reporting the apparent violation was

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 7 of 13

Exh 5  
7 of 13

supplemented by the revised DMR dated March 1, 2003 bates numbers TC 011219-11222 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 138

Admit that the document attached hereto as Exhibit 138 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: Mine Site Compliance Order Docket No. CWA-10-99-0167, September 12, 2001. TC 001669 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 139

Admit that the document attached hereto as Exhibit 139 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: NPDES Permit AK-004064-9 (Port Site), March 18, 2002. 003817.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 140

Admit that the document attached hereto as Exhibit 140 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: NPDES Permit AK-004064-9, May 9, 2002. 003818.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 8 of 13

Exh 5  
8 of 13



RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 141

Admit that the document attached hereto as Exhibit 141 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: NPDES Permit AK-004064-9 (Port Site), May 10, 2002. 003819.

RESPONSE: Please see Response to Request for Admission #79.

REQUEST FOR ADMISSION NO. 142

Admit that the document attached hereto as Exhibit 142 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: NPDES Permit AK-004064-9, May 10, 2002. 003820-003821.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 143

Admit that the document attached hereto as Exhibit 143 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: Mine Site Permit AK-003865, May 20, 2002. 003822.

RESPONSE: Admitted.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 9 of 13

Exh 5  
9 of 13

REQUEST FOR ADMISSION NO. 144

Admit that the document attached hereto as Exhibit 144 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: Mine Site Permit AK-003865, May 23, 2002. 003823.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 145

Admit that the document attached hereto as Exhibit 145 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: Mine Site Permit AK-003865, May 24, 2002. 003824-003825.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 146

Admit that the document attached hereto as Exhibit 146 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Pete McGee, ADEC, Re NPDES Permit AK-003865-2, Draft 2002 State COBC for TDS, May 29, 2002. 003828-003829.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 147

Admit that the document attached hereto as Exhibit 147 is a true and correct copy

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 10 of 13

Exh 5  
10 of 13

of a Letter from John Martinisko, Teck Cominco, to Pete McGee, ADEC, Re NPDES Permit AK-003865-2, Draft 2002 State COBC for TDS, June 3, 2002. 003830.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 148

Admit that the document attached hereto as Exhibit 148 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Randall F. Smith, US EPA, re: Port Site Permit AK-004064-9, Outfall 005, June 7, 2002. 003831.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 149

Admit that the document attached hereto as Exhibit 149 is a true and correct copy of a Letter from Mark Thompson, Teck Cominco, to Pete McGee, ADEC, Re NPDES Permit AK-003865-2, Draft 2002 State COBC for TDS, June 7, 2002. 003832.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 150

Admit that the document attached hereto as Exhibit 150 is a true and correct copy of a letter from Wayne Hall, Teck Cominco, to Robert Grandinetti, US EPA, re: NPDES (Port) Permit, AK-004064-9, August 8, 1999. TC 001939 RD.

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 11 of 13

Exh 5  
11 of 13

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 151

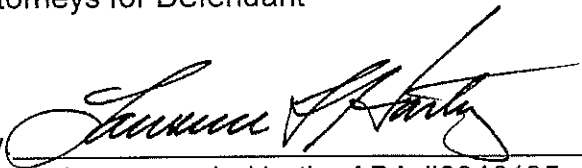
Admit that the document attached hereto as Exhibit 151 is a true and correct copy of an e-mail from Ken Brock, "RDOG" to Wayne Hall, "RDOG," August 7, 1999. TC 001941 RD.

RESPONSE: Admitted.

DATED this 21<sup>st</sup> day of March, 2003, at Anchorage, Alaska.

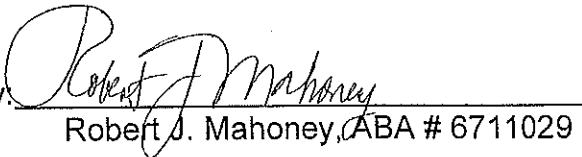
HARTIG RHODES HOGE & LEKISCH, P.C.  
Attorneys for Defendant

By



Lawrence L. Hartig, ABA #8310125

By



Robert J. Mahoney, ABA # 6711029

CERTIFICATE OF SERVICE

I certify that on the 21 day of March, 2003, a true and correct copy of the foregoing document severed via First Class Mail, postage prepaid, to the following counsel of record:

Luke W. Cole  
Caroline Farrell  
Brent J. Newell  
Center on Race, Poverty & the Environment

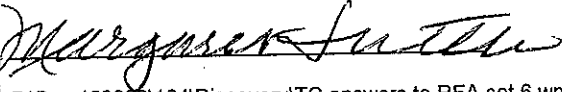
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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)

Page 12 of 13

Exh 5  
12 of 13

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KRPC v. TCAK-Answers to Request for Admissions  
A02-231 CV (JWS)  
Page 13 of 13

EXH 5  
13 of 13